

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WALTER ELAM,

Plaintiff,

v.

CONCOURSE VILLAGE, INC., ANTHONY
JAMES, *individually*, and LETICIA BOWRY,
individually,

Defendants.

Case No. 15-cv-7215 (CM)

**PLAINTIFF'S PROPOSED
VOIR DIRE**

Plaintiff Walter Elam respectfully requests that the Court include the following questions in the Court's voir dire to the prospective jury.

Dated: New York, New York
September 15, 2016

By:

Walker G. Harman, Jr.

Walker G. Harman, Jr. [WH-8044]

Edgar M. Rivera [ER-1378]

THE HARMAN FIRM, LLP

Attorneys for Plaintiff

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QUESTIONS FOR ALL PROSPECTIVE JURORS AS A GROUP

1. The Plaintiff in this case is Walter Elam.

Are you acquainted with the Plaintiff?

Yes No

2. The Defendants in this case are Concourse Village, Inc., Anthony James, and Letitia Bowry.

Are you acquainted with Anthony James?

Yes No

Are you acquainted with Letitia Bowry?

Yes No

Are you acquainted with a member of the Board of Directors of Concourse Village, Inc.?

Yes No

3. Do you have any friends or relatives who are acquainted with the Plaintiff?

Yes No

4. Do you have any kind of commercial relationship with or interest in Concourse Village, Inc.? Yes No

5. Have you or any of your friends or relatives ever lived at Concourse Village, Inc.? Yes No

6. Have you or any of your friends or relatives ever been a shareholder at Concourse Village, Inc.? Yes No

7. Have you or any of your friends or relatives ever worked for Concourse Village, Inc.? Yes No

8. Have you or any of your friends or relatives ever worked for Winn Companies, WinnResidential or Winn WB Management Company LLC? Yes No

9. Have you or any of your friends or relatives ever lived in any building managed by Winn Companies, WinnResidential or Winn WB Management Company LLC? Yes No

10. Have you or any of your friends or relatives ever worked at a residential or commercial property or building?
 Yes No

11. The Plaintiff in this lawsuit is represented by the law firm of The Harman Firm, LLP. Trial counsel for Plaintiff are Walker G. Harman, Jr., and Edgar M. Rivera. Their offices are located in Manhattan. Have you heard of counsel for the Plaintiff?
 Yes No

12. The Defendants in this lawsuit are represented by the law firm of Clifton Budd & DeMaria, LLP. Trial counsel for Defendants are Robert Sparer, Stephanie Munsky, and Carla Gunther. Their offices are located in Manhattan. Have you heard of counsel for the Defendants?
 Yes No

13. Do you know any of the following people who may testify in this case?

Monica Elam	<input type="checkbox"/> Yes <input type="checkbox"/> No
Sherill Henry	<input type="checkbox"/> Yes <input type="checkbox"/> No
Christina Verney	<input type="checkbox"/> Yes <input type="checkbox"/> No
Leroy Meyers	<input type="checkbox"/> Yes <input type="checkbox"/> No
Constance Walker Hendricks	<input type="checkbox"/> Yes <input type="checkbox"/> No
Maurice Wright	<input type="checkbox"/> Yes <input type="checkbox"/> No
Calvin Reed	<input type="checkbox"/> Yes <input type="checkbox"/> No
Gerald Turner	<input type="checkbox"/> Yes <input type="checkbox"/> No
Lillian Somersle	<input type="checkbox"/> Yes <input type="checkbox"/> No

14. Have you read about this case or heard of it in any way?
 Yes No

15. Do you, of your own knowledge, have any information about this case?
 Yes No

16. This trial will last APPROXIMATELY three (3) to five (5) days. Does this time period present any serious problems for you?
 Yes No

INDIVIDUAL QUESTIONS FOR THE JURORS

1. What is your gender?

Female Male

2. What is your age?

____ years

3. Where were you born?

City, state, country: _____

4. Where did you grow up?

City, state, country: _____

5. How long have you lived in New York?

____ years

If you have lived in New York for less than three years, please indicate your previous residence:

City, state, country: _____

6. What is your race/ethnicity? Please check all that apply.

White
 African-American/Black
 Hispanic/Latino
 Asian/Pacific Islander
 Other (please specify): _____

7. What is the highest level of formal education that you have completed?

Less than high school
 High school
 Technical or trade school
 Some college
 Junior college degree (Associate)
 College degree (Bachelor)
 Some graduate study
 Master's degree or doctorate

8. What is your current employment status?

Employed full-time
 Employed part-time
 Self-employed
 Unemployed
 At home

- Full-time student
- Retired
- Other: _____

9. Please indicate your current employer (or last employer, if not currently employed):

Name: _____

City, state: _____

Type of business: _____

Job or occupation: _____

How long have you worked for this employer? _____

I have never been employed.

10. Please indicate your previous employers/occupations:

Have you *ever* managed or supervised others as part of your job? Yes No

If yes, please explain:

11. Have you, or has anyone close to you, ever been self-employed, a business owner, a corporate officer, or a member of the board of directors of any business or corporation?

Yes No

If yes, please explain:

12. Have you ever served in the military? Yes No

If yes, please indicate:

Branch of service _____

Dates of service _____

Type of discharge _____

13. What is your marital status?

- Never Married
- Married
- Domestic Partner
- Divorced
- Widowed
- Separated

14. What is the highest level of formal education that your spouse/partner has completed?

- Less than high school
- High school
- Technical or trade school
- Some college
- Junior college degree (Associate)
- College degree (Bachelor)
- Some graduate study
- Master's degree or doctorate
- I do not have a spouse or partner.

15. What is your spouse/partner's current employment status?

- Employed full-time
- Employed part-time
- Self-employed
- Unemployed
- At home
- Full-time student
- Retired
- Other: _____
- I do not have a spouse or partner.

16. Please indicate your spouse's/partner's current employer (or last employer, if your spouse/partner is not currently employed).

Name: _____

City, state: _____

Type of business: _____

Job or occupation: _____

How long has your spouse/partner worked for this employer? _____

Please list your spouse/partner's previous employers/occupations:

I do not have a spouse or partner.

17. With which political party do you most identify?

Democrat

Republican

Independent

Other (please specify): _____

None

18. Do you have any children? Yes No

If yes, please indicate the following for each child:

Age	Education Level (if applicable)	Occupation (if applicable)	Employer (if applicable)

Are you a member of any organizations, such as professional, social, political, or religious organizations? Yes No

If yes, please list:

19. List all community or volunteer activities in which you participate:

20. List all organizations to which you regularly donate money:

21. What hobbies or recreational activities do you like to pursue in your spare time?

22. How often do you view, read or listen to the news?

- Every day
- A few times a week
- Occasionally
- Never

23. What newspapers, magazines, radio stations, and/or online news services do you regularly read or use?

- I do not regularly read or use any newspapers, magazines, radio stations or online news services.

24. Have you ever written a letter to the editor of a newspaper or magazine or to a politician?

25. What, if any, television programs do you watch regularly?

26. What, if any, courtroom or law-related shows do you watch regularly?

27. What, if any, radio programs/stations do you listen to frequently?

28. What, if any, websites do you visit regularly?

29. How often do you visit social networking sites, such as Facebook, MySpace, Twitter, etc.?

- Every day
- A few times a week
- Occasionally
- Never

30. Do you have a blog or website? Yes No

If yes, please explain:

Do you view or follow blogs of others regularly? Yes No

If yes, please indicate the blog(s) and topic(s):

31. Do you, or does someone close to you, have experience and/or training in any of the following:

Psychology/counseling	<input type="checkbox"/> Yes, me	<input type="checkbox"/> Yes, someone close to me	<input type="checkbox"/> No
Social work/social services	<input type="checkbox"/> Yes, me	<input type="checkbox"/> Yes, someone close to me	<input type="checkbox"/> No
Personnel/human resources	<input type="checkbox"/> Yes, me	<input type="checkbox"/> Yes, someone close to me	<input type="checkbox"/> No
Employee benefits	<input type="checkbox"/> Yes, me	<input type="checkbox"/> Yes, someone close to me	<input type="checkbox"/> No
Employee rules/manuals	<input type="checkbox"/> Yes, me	<input type="checkbox"/> Yes, someone close to me	<input type="checkbox"/> No
Law/law-related field	<input type="checkbox"/> Yes, me	<input type="checkbox"/> Yes, someone close to me	<input type="checkbox"/> No
Insurance/claims management	<input type="checkbox"/> Yes, me	<input type="checkbox"/> Yes, someone close to me	<input type="checkbox"/> No
Affirmative action/anti-discrimination programs	<input type="checkbox"/> Yes, me	<input type="checkbox"/> Yes, someone close to me	<input type="checkbox"/> No
Accounting/payroll	<input type="checkbox"/> Yes, me	<input type="checkbox"/> Yes, someone close to me	<input type="checkbox"/> No
Hearing officer/union steward	<input type="checkbox"/> Yes, me	<input type="checkbox"/> Yes, someone close to me	<input type="checkbox"/> No
Negotiator/arbitrator	<input type="checkbox"/> Yes, me	<input type="checkbox"/> Yes, someone close to me	<input type="checkbox"/> No

If you answered yes to any of the above, please explain:

32. Have you, or has someone close to you, ever:

Been fired or laid off?	<input type="checkbox"/> Yes, me	<input type="checkbox"/> Yes, someone close to me	<input type="checkbox"/> No
Been turned down for a job you/he/she wanted?	<input type="checkbox"/> Yes, me	<input type="checkbox"/> Yes, someone close to me	<input type="checkbox"/> No
Belonged to a union/workers' organization?	<input type="checkbox"/> Yes, me	<input type="checkbox"/> Yes, someone close to me	<input type="checkbox"/> No
Been accused of discrimination?	<input type="checkbox"/> Yes, me	<input type="checkbox"/> Yes, someone close to me	<input type="checkbox"/> No
Filed an internal grievance with an employer?	<input type="checkbox"/> Yes, me	<input type="checkbox"/> Yes, someone close to me	<input type="checkbox"/> No
Filed a worker's comp claim?	<input type="checkbox"/> Yes, me	<input type="checkbox"/> Yes, someone close to me	<input type="checkbox"/> No
Filed a grievance with a union?	<input type="checkbox"/> Yes, me	<input type="checkbox"/> Yes, someone close to me	<input type="checkbox"/> No
Filed a charge with the EEOC/FEP?	<input type="checkbox"/> Yes, me	<input type="checkbox"/> Yes, someone close to me	<input type="checkbox"/> No
Been involved in an employment dispute?	<input type="checkbox"/> Yes, me	<input type="checkbox"/> Yes, someone close to me	<input type="checkbox"/> No

If you answered yes to any of the above, please explain:

33. Have you, or has anyone close to you, ever been discriminated against or harassed in any way, for any reason, by another individual or business? Yes No

If yes, please explain:

34. To your knowledge, has your employer ever been sued for discrimination or harassment?

Yes No

If yes, please explain:

35. If you own or ever have owned a business or been self-employed, were you ever sued for discrimination or harassment?

Yes No I have never owned a business or been self-employed

If yes, please explain:

36. Do you agree or disagree with the following statement?

“Discrimination/harassment claims are just excuses to cover up other problems people are having on the job.”

Agree Disagree

Why do you feel that way?

37. Do you agree or disagree with the following statement?

“Discrimination is a thing of the past.”

Agree Disagree

Why do you feel that way?

38. Have you ever served on a jury before? Yes No

If yes,

How would you describe your past jury experience(s)?

Positive Neutral Negative

Did you serve as a juror on a criminal or a civil case?

Criminal Civil I have served as a juror on both civil and criminal cases

If you have served as a juror on a criminal case,

Do you understand that, although in a criminal case the government is required to prove the defendant's guilt "beyond a reasonable doubt," in a civil case the plaintiff must prove his case by a "preponderance of the evidence?"

Yes No

39. Were you ever a witness in a case? Yes No

If yes, was it a criminal or a civil case? Criminal Civil

40. Do you know of any reason why it might be embarrassing for you to sit as a juror on this case? Yes No

If yes, please explain:

41. Are you taking any medications or do you have any physical or personal condition that would make it difficult for you to concentrate or attend all sessions during the trial?

Yes No

If yes, please explain:

42. Do you have any problem (vision, hearing, financial, emotional, language or medical) that you believe may significantly affect your jury service?

Yes No

If yes, please explain:

43. Do you have any moral, religious, or philosophical beliefs that would make it uncomfortable or difficult for you to judge another person?

Yes No

If yes, please explain:

44. Do you believe that your employer treats you fairly?

45. As a general matter, do you believe that employers ordinarily treat employees fairly?

46. Do you believe that the fact that an employer or an employee is a party to this lawsuit will make a difference in your determination?

Have you or has anyone you know ever taken, requested to take, or otherwise tried to take leave from work pursuant to the Family and Medical Leave Act? Yes No

47. Have you or has anyone you know ever taken, requested to take, or otherwise tried to take leave from work to care for a family member? Yes No

48. Have you or has anyone you know ever cared for or were associated with an individual with a disability? Yes No

49. Do you or an immediate family member suffer from a disability? Yes No

50. Have you or any members of your immediate family ever had a claim for damages against anyone? Yes No
If yes, please explain:

51. Have you or any of your friends or family members ever been involved in an employment discrimination or retaliation lawsuit? Yes No
If yes, please explain:

52. Have you or any of your friends or family members ever been discriminated or retaliated against at work? Yes No
If yes, please explain:

53. Have you or any of your friends or family members ever initiated a complaint alleging discrimination or retaliation against an employer or co-worker? Yes No

54. Have you or has anyone you know ever initiated a lawsuit or filed an administrative complaint alleging discrimination or retaliation? Yes No

55. Have you or has anyone you know ever been named as the defendant or respondent in a lawsuit or administrative proceeding alleging discrimination or retaliation? Yes No

56. Have you or has any member of your family been the plaintiff or defendant in a lawsuit other than one alleging discrimination or retaliation? Yes No
If yes, please explain:

57. Have you ever testified in a legal proceeding? Yes No

58. If you are selected as a juror in this case, you will be required to decide solely on the evidence introduced at trial and the instructions that the judge will give you concerning the law, *whether you agree with the law or not*. Can you think of any reason why you would not be able to do this?
 Yes No
If yes, please explain:

59. Can you think of any reason why you would not be content to have the case tried by someone in your frame of mind if you were one of the parties to this case?
 Yes No
If yes, please explain:
